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No. 16

ORIGINAL.

IN THE  
**Supreme Court of the United States,**  
OCTOBER TERM, 1905.

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**THE STATE OF OREGON, Complainant,**  
vs.  
**ETHAN A. HITCHCOCK, Secretary of the Interior, and**  
**WILLIAM A. RICHARDS, Commissioner**  
**of the General Land Office.**

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**IN EQUITY,**  
**ORIGINAL BILL OF COMPLAINT.**

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**ANDREW M. CRAWFORD,**  
*Attorney General of the State of Oregon.*  
**WILLIAM B. MATTHEWS,**  
*Special Counsel*  
*For the State of Oregon.*

IN THE  
**Supreme Court of the United States,**  
OCTOBER TERM, 1905.

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| THE STATE OF OREGON, <i>Complainant,</i>   | } | Original,<br>No.<br>In Equity. |
| v.   |   |                                |
| ETHAN A. HITCHCOCK, Secretary of the<br>Interior, and WILLIAM A. RICHARDS,<br>Commissioner of the General Land<br>Office, <i>Defendants.</i> |   |                                |
|  |   |                                |

To the Honorable Chief Justice and the Associate Justices  
of the Supreme Court of the United States:

The State of Oregon, by Andrew M. Crawford, Attorney  
General of the said State, and William B. Matthews, special  
counsel, having heretofore obtained leave of this Court in  
that behalf, files this the bill of complaint of the said State  
against the above-named defendants, Ethan A. Hitchcock,  
Secretary of the Interior, and William A. Richards, Com-  
missioner of the General Land Office, and the said com-  
plainant shows unto the Court as follows:

I. That the said defendant, Ethan A. Hitchcock, is a  
citizen of the State of Missouri and is the Secretary of the  
Interior, and the said William A. Richards is a citizen of  
the State of Wyoming and is the Commissioner of the  
General Land Office.

II. That by an Act of Congress approved on the 14th day of February, in the year 1850, the said State of Oregon, complainant herein as aforesaid, was created a State and admitted as one of the States of the United States upon an equal footing with the other States of the Union in all respects whatever.

III. That previous to the said admission of the State of Oregon into the Union; that is to say, by an Act of Congress approved on the 28th day of September, in the year 1850, and entitled, "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," the United States had granted to certain States existing at the date of the said Act all the lands then belonging to the United States and lying within the said States, respectively, which lands were, at the date of the said Act, swamp and overflowed lands and by reason of that fact unfit for cultivation, the said Act being as follows:

"Be it enacted, etc., That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be, and the same are hereby, granted to said State.

"Section 2. And be it further enacted, That it shall be the duty of the Secretary of Interior, as soon as may be practicable after the passage of this Act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas, and, at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas,

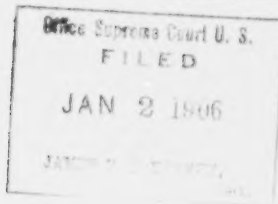
subject to the disposal of the Legislature thereof; provided, however, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

"Section 3. And be it further enacted, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is 'wet and unfit for cultivation,' shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

"Section 4. And be it further enacted, That the provisions of this Act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated."

IV. That thereafter, that is to say by an Act of Congress approved on the 12th day of March, in the year 1860, and entitled, "An Act to extend the provisions of an Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits to Minnesota and Oregon and for other purposes," the United States extended to the State of Oregon, complainant herein, and to the State of Minnesota the provisions of the said Act approved on the 28th day of September, 1850, and granted to the said States, respectively, all the swamp and overflowed lands being within their respective limits, the said Act approved on the 12th day of March, in the year 1860, being as follows:

"Be it enacted, etc., That the provisions of the Act of Congress entitled, 'An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their



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**of the General Land Office.**

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**MOTION FOR LEAVE TO FILE BILL OF COMPLAINT.**

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**ANDREW M. CRAWFORD,**

*Attorney General of the State of Oregon.*

**WILLIAM B. MATTHEWS,**

*Special Counsel*  
*For the State of Oregon.*



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**Supreme Court of the United States,**  
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THE STATE OF OREGON, *Complainant,*

*v.*

ETHAN A. HITCHCOCK, Secretary of the  
Interior, and WILLIAM A. RICHARDS,  
Commissioner of the General Land  
Office.

Original,  
No.  
In Equity.

To the Honorable Chief Justice and the Associate Justices  
of the Supreme Court of the United States:

Now comes the State of Oregon by Andrew M. Crawford, Attorney General of the said State, and William B. Matthews, special counsel, and moves the Court that the said State of Oregon may be permitted to file the herewith accompanying bill of complaint in equity against Ethan A. Hitchcock, Secretary of the Interior, a citizen of the State of Missouri, and William A. Richards, Commissioner of the General Land Office, a citizen of the State of Wyoming, as in a cause of which this Court has original jurisdiction; and that, upon the filing of the said bill a subpoena may issue as prayed herein.

ANDREW M. CRAWFORD,

*Attorney General of the State of Oregon.*

WILLIAM B. MATTHEWS,

*Counsel.*